



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/742,419	12/22/2000	Vladimir V. Mikhailov	9-13528-116US	8029

20988 7590 01/24/2006

OGILVY RENAULT LLP
1981 MCGILL COLLEGE AVENUE
SUITE 1600
MONTREAL, QC H3A2Y3
CANADA

EXAMINER

SING, SIMON P

ART UNIT	PAPER NUMBER
----------	--------------

2645

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/742,419	MIKHAILOV ET AL.	
	Examiner	Art Unit	
	Simon Sing	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32,37,39 and 40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-32,37,39 and 40 is/are allowed.
- 6) ☒ Claim(s) 1,2 and 6-8 is/are rejected.
- 7) ☒ Claim(s) 3-5 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2 and 6-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Kallas et al. US 6,778,653.

The applied reference has a common assignee with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

- 2.1 Regarding claim 1, Kallas discloses a telephone communications system in figure 1, comprising:

a gateway 30 (Content/Service Provision Node, or C/SPN) having a first interface with a network 21 (call control messaging network) which control telephone calls of

Art Unit: 2645

telephone 34 and 33 in conjunction with a call server 24 (column 4, lines 26-60), and a second interface with an IP network 12 (Content/Service messaging network, or C/SMN) through which content/service messages (data packets) are conveyed (column 3, lines 19-45; column 6, lines 24-33); and

a media gateway 32 (Subscriber Access Control Equipment, or SACE) that can access a bear channel of a subscriber line of telephone 34, to deliver at least one of content or a service directly to the telephone 34 (column 4, lines 26-34), wherein the delivery of the least one of content and a service is effected by the gateway 30 and the media gateway 32 (delivery is effected because both gateways are in a communication path for telephones 34) in response to a call control signal received by the gateway 30 at the first interface (column 6, lines 40-44).

2.2 Regarding claim 2, Kallas teaches that the gateway 30 accesses network 12, which is an Internet (column 3, lines 5-6).

2.3 Regarding claim 6, Kallas teaches a SIP protocol used by the call server 24 and the networks (column 5, lines 16-48).

2.4 Regarding claim 7, Kallas teaches that the network 12 is connected to a PSTN which inherently comprising a common channel signaling network (column 3, lines 4-5, 8-13).

2.5 Regarding claim 8, Kallas teaches that the network 12 is an Internet (column 3, lines 5-6).

Allowable Subject Matter

3. Claims 3-5 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Claims 10-32, 37, 39 and 40 are allowed.

5. The following is a statement of reasons for the indication of allowable subject matter:

5.1 Claim 3, the current invention claimed call servers for relaying messages between C/SPNs and SACEs, using same protocol as used for the content/service messages. Kallas fails to teach call server are used to relay messages.

5.2 Claims 4, 5 and 9 are dependents of claim 3, and therefore, are allowed

5.3 Claims 10, 18, 19 and 28, the current invention discloses a method for using a SIP or similar protocol to deliver content or service of a content/service message to a bearer channel of a subscriber line (connected to SSP 14 in figures 3 and 4) by a

subscriber access equipment SACE 28 (connected to a SSP 14 in figures 3 and 4) to direct access the bearer channel. Young (US 6,765,912) fails to teach direct access to a bearer channel of a subscriber line.

5.4 Claims 10-17, 20-27 and 29-32 are dependents of claims 10, 19 and 28 respectively and therefore are allowed.

5.5 Claim 37, the current invention discloses a Content/Service Provision Node (C/SPN) for processing call control messages and content/service messages. The C/SPN maintains a status of instructions and executes a sequence of the instructions to provide a content or service to a telephone subscriber. Both Kallas and Young fail to teach this claimed limitation.

5.6 Claims 39 and 40 are dependents of claim 37 and therefore allowed

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the


Art Unit: 2645

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is 571-272-7545. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.



S. Sing



FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

01/12/2006